REMARKS

Claims 1-62 remain pending in the application, with claims 11-23, 34-46, 48 and 49 withdrawn from consideration because of a restriction issued by the Examiner.

Claims 1-6, 8, 24-29, 31, 47 and 50-62 over Matsuda in view of Craddock

In the Office Action, claims 1-6, 8, 24-29, 31, 47 and 50-62 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Application Publication No. 2002/0133573 to Matsuda et al. ("Matsuda") in view of U.S. Patent No. 6,351,771 to Craddock et al. ("Craddock"). The Applicants respectfully traverse the rejection.

Claims 1-6, 8, 24-29, 31, 47 and 50-62 recite a system and method of connecting a first intelligent messaging network server to a second intelligent messaging network server in an intelligent messaging network, the intelligent messaging network using a transport protocol that provides for at least one of message segmentation and reassembly, message retries, and message ACK and NACK service without relying on either a client application and server application.

The Office Action acknowledged that Matsuda fails to disclose enabling communication between intelligent messaging servers. However, the Office Action alleges that Matsuda discloses that if a NOA server is not configured as a DHCP server offering configuration settings, it is registered as a NOA client, therefore leading one of ordinary skill to believe that multiple servers can communication with one another using the system described by Matsuda (See Office Action, page 3). The Applicants respectfully disagree.

A reading of Matsuda at paragraph 0036 discloses that a NOA device detects the presence of existing DNS and DHCP services on a network. If DHCP and DNS are detected by the NOA device on the network, the NOA device is configured as a client (See Matsuda, 0035). If DHCP and DNS are not detected by the NOA device on the network, the NOA device is configured as a server (See Matsuda, 0035). Matsuda's system starts with a generic device, i.e., a NOA device, that is configured as either a client or a server, **NOT** a NOA server

that is configured as a client, as alleged by the Office Action. Matsuda fails to disclose configuration of **more than one** NOA device as a server, i.e., fails to disclose a <u>first</u> intelligent messaging network server to a <u>second</u> intelligent messaging network server within an intelligent messaging network, as recited by claims 1-6, 8, 24-29, 31, 47 and 50-62.

Moreover, Matsuda discloses a system and method of automatically dynamically configuring networked office appliances which provide network addressing, network naming, service discovery, and user identification (See Abstract). All of the networked office appliances are disclosed as using a unique protocol in conjunction with a HTTP protocol to pass user and group information between NOA devices (See Matsuda, paragraph 0037). Thus, Matsuda's unique protocol provides the ability to <u>pass user and group information</u> between NOA devices, **NOT** providing at least one of message segmentation and reassembly, message retries, and message ACK and NACK service <u>without relying on either a client application and server application</u>, as recited by claims 1-6, 8, 24-29, 31, 47 and 50-62.

The Office Action relies on Craddock to allegedly make up for the deficiencies in Matsuda to arrive at the claimed features. The Applicants respectfully disagree.

Craddock appears to disclose a distributed service network that provides telecommunications and other services to users transparently of where the users access a network and a particular client used to access the network (See Craddock, Abstract). A data stream conversion system comprising a set of transducers to convert data streams between various formats, protocols and standards as required (See Craddock, col. 3, lines 52-56). The data stream conversion system allows clients within the network to transparently connect to one another (See Craddock, col. 13, lines 59-67).

Thus, Craddock connects servers for the transparent conversion of data streams between various formats, protocols and standards as required. However, Craddock fails to disclose a transport protocol having additional functionality, i.e., a <u>transport protocol</u> that provides for at least one of message

segmentation and reassembly, message retries, and message ACK and NACK service without relying on either a client application and server application, as recited by claims 1-6, 8, 24-29, 31, 47 and 50-62.

Thus, even if it were obvious to modify Matsuda with the disclosure of Craddock, which it is not since the two disclosures are addressing completely different unrelated shortcomings within the art, the theoretical combination would still fail to disclose or suggest a system and method of connecting a first intelligent messaging network server to a second intelligent messaging network server in an intelligent messaging network, the intelligent messaging network using a transport protocol that provides for at least one of message segmentation and reassembly, message retries, and message ACK and NACK service without relying on either a client application and server application, as recited by claims 1-6, 8, 24-29, 31, 47 and 50-62.

A benefit of a transport protocol that provides for at least one of message segmentation and reassembly, message retries, and message ACK and NACK service without relying on either a client application and server application is, e.g., functionality independent of client applications and server applications. Conventionally, client applications and server applications provide network services such as message segmentation and reassembly, message retries, and message ACK and NACK service. However, dependent on the type of network a client is connecting to, message segmentation and reassembly, message retries, and message ACK and NACK service may not be available. If such services are not provided by a client application and a server application, the client is severely limited in the types of services available. By providing message segmentation and reassembly, message retries, and message ACK and NACK service as part of a transport protocol, services are separated from hardware dependence. Such benefits are not disclosed or suggested by the cited prior art.

Accordingly, for at least all the above reasons, claims 1-6, 8, 24-29, 31, 47 and 50-62 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7, 9, 10, 30, 32 and 33 over Matsuda in view of Craddock and Bell

In the Office Action, claims 7, 9, 10, 30, 32 and 33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Matsuda in view of Craddock, and further in view of U.S. Patent No. 6,044,081 to Bell et al. ("Bell"). The Applicants respectfully traverse the rejection.

Claims 7, 9, 10, 30, 32 and 33 are dependent on claims 1 and 24 respectively, and are allowable for at least the same reasons as claims 1 and 24.

Claims 7, 9, 10, 30, 32 and 33 recite a system and method of connecting a first intelligent messaging network server to a second intelligent messaging network server in an intelligent messaging network, the intelligent messaging network using a transport protocol that provides for at least one of message segmentation and reassembly, message retries, and message ACK and NACK service without relying on either a client application and server application.

As discussed above, Matsuda in view of Craddock fails to disclose or suggest a system and method of connecting a first intelligent messaging network server to a second intelligent messaging network server in an intelligent messaging network, the intelligent messaging network using a transport protocol that provides for at least one of message segmentation and reassembly, message retries, and message ACK and NACK service without relying on either a client application and server application, as recited by claims 7, 9, 10, 30, 32 and 33.

The Office Action relies on Bell to allegedly make up for the deficiencies in Matsuda to arrive at the claimed features. The Applicants respectfully disagree.

Bell appears to disclose a system and method for communicating a private network signaling message over a packet network and bridges for communicating a MAC layer frame over an isochronous channel (See Bell, col. 1, lines 34-38). Moreover, an isochronous signaling frame can be communicated over a nonisochronous network (See Bell, col. 1, lines 39-40). Telephony

protocols and computer network protocols are cross-translated for packet based signaling (See Bell, col. 8, lines 38-46).

Thus, Bell discloses use of a computer network protocol. However, Bell simply discloses cross-translating a <u>conventional</u> computer network protocol to a telephony protocol. Bell fails to disclose or suggest adding functionality to a conventional transport protocol, i.e., a <u>transport protocol</u> that provides for at least one of message segmentation and reassembly, message retries, and message ACK and NACK service <u>without relying on either a client application and server application</u>, as recited by claims 7, 9, 10, 30, 32 and 33
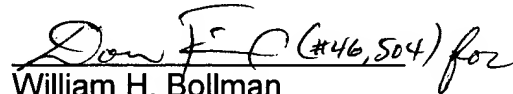
Thus, even if it were obvious to modify Matsuda with the disclosure of Craddock and Bell, which it is not since the three disclosures are addressing completely different unrelated shortcomings within the art, the theoretical combination would still fail to disclose or suggest a system and method of connecting a first intelligent messaging network server to a second intelligent messaging network server in an intelligent messaging network, the intelligent messaging network using a <u>transport protocol</u> that provides for at least one of message segmentation and reassembly, message retries, and message ACK and NACK service <u>without relying on either a client application and server application</u>, as recited by claims 7, 9, 10, 30, 32 and 33.

Accordingly, for at least all the above reasons, claims 7, 9, 10, 30, 32 and 33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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